

Remarks

The applicant appreciates the examiner's reconsideration of the application, and requests reconsideration and allowance of the claims in view of the preceding amendments and the following comments.

The examiner concluded that the claims were not patentable, primarily over Reinhold. Reinhold, however, does not disclose or suggest the claims. Reinhold discloses a milk bottle cap with a label 11 on the top face and a disc 12 attached to the bottom face. As the cap is designed to be used repeatedly and is designed for long use (page 1 lines 86-87), obviously these two labels are permanently adhered to the cap. Any ability to remove either label would destroy the efficacy of the Reinhold lid as both an advertising vehicle (regarding the label applied to the top face of the lid) and a product-ordering vehicle (regarding the label applied to the bottom face of the lid).

The secondary reference is Gozdecki, which teaches a removable label that wraps around a container and adheres to itself for attachment to the container. The entire label is removed from the container by tearing the label along a tear line.

In contrast, claim 1 is a method of providing information through placement of one or more pre-printed labels on the lid of a beverage container. The label has two portions, with the top portion removably attached to the bottom portion. The top faces of both portions carry printed information. See the paragraph spanning pages 6 and 7 for support for these amendments to claim 1.

The references clearly do not disclose or suggest a label with two printed portions, with the top portion removably attached to the bottom portion. In fact, both references teach away from this invention. Reinhold does not suggest and clearly could not use a label that is


removable in any fashion. Gozdecki's label is removable, but comprises only a single member, not two portions, one of which is removable from the other. And, neither teaches a two-part label with printing on both parts. Importantly, neither reference could use such a label either, as in one case (Reinhold) the labels are permanent, and in the other case (Gozdecki) removability is specifically designed by tearing the label itself to completely remove the label from the container, not removing the top portion of the label from the bottom portion of the label.

The examiner has concluded that it would have been obvious to modify the label of Reinhold to include a removable adhesive and a perforation, to allow the label to be removed for recycling. However, as described above, Reinhold requires long life, and thus teaches away from removability. Further, the labels in Reinhold are attached to the cap, not the container, and the cap is specifically designed to be permanently displayed, not recycled. Accordingly, any combination of the references is improper under 35 U.S.C. section 103. Of course, even if the references are combined, they do not teach the claimed invention.

As the references do not teach or suggest the combination of claim 1, nor the other claims, all of the claims are allowable. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts, (508) 898-1501.

Respectfully submitted,



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